

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 723 Session of 2021

INTRODUCED BY MIZGORSKI, SAYLOR, SCHLEGEL CULVER, MILLARD, STAMBAUGH, CIRESI AND HILL-EVANS, MARCH 2, 2021

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 20, 2021

AN ACT

1 Amending the act of December 18, 2001 (P.L.949, No.114),
2 entitled "An act establishing a unified workforce investment
3 system; restructuring certain administrative functions,
4 procedures and entities; transferring workforce development
5 functions of Commonwealth agencies; establishing the
6 Pennsylvania Workforce Investment Board; providing for
7 critical job training grants, for guarantees for program
8 quality and performance for workforce development programs,
9 for workforce leadership grants and for industry
10 partnerships; establishing the Keystone Works Program; and
11 authorizing local workforce investment boards," further
12 providing for title of act; in preliminary provisions,
13 further providing for declaration of policy, for definitions
14 and for lobbying; in board, further providing for
15 establishment, for membership, for conflicts of interest, for
16 plan, functions and responsibilities and for State
17 performance management system and providing for performance
18 accountability system; in local workforce investment areas
19 and boards, further providing for establishment, for
20 membership, for conflicts of interest, for plan, functions
21 and responsibilities and for local performance measures; in
22 critical job training grants, further providing for purpose,
23 for definitions, for program operation and for grants; in
24 workforce leadership grants, further providing for innovative
25 programs; in industry partnerships, further providing for
26 industry clusters, for grant program operation and for
27 interdepartmental cooperation; IN MISCELLANEOUS PROVISIONS, <--
28 FURTHER PROVIDING FOR CONSTRUCTION; and making editorial
29 changes.

30 The General Assembly of the Commonwealth of Pennsylvania
31 hereby enacts as follows:

1 Section 1. The title and sections ~~102(1), (4)(iv) and (5),~~ <--  
2 ~~103, 104, 301, 302(a)(3)(i), (iii) and (vi) and (4), (b), (f)~~  
3 ~~and (i), 303(2), 304(a)(1), (2), (7), (8), (10), (11), (12),~~  
4 ~~(13), (14), (18), (18.1) and (19) and (b) and 305.1~~ 102(4)(IV) <--  
5 AND (5), 103, 104 AND 301 of the act of December 18, 2001  
6 (P.L.949, No.114), known as the Workforce Development Act, are  
7 amended to read:

8 AN ACT

9 Establishing a unified workforce [investment] development  
10 system; restructuring certain administrative functions,  
11 procedures and entities; transferring workforce development  
12 functions of Commonwealth agencies; establishing the  
13 Pennsylvania Workforce [Investment] Development Board;  
14 providing for critical job training grants, [for guarantees] <--  
15 for program quality and performance for workforce development  
16 programs, for workforce leadership grants and for industry  
17 partnerships; [establishing the Keystone Works Program;] and <--  
18 authorizing local workforce [investment] development boards.

19 Section 102. Declaration of policy.

20 The General Assembly finds and declares as follows:

21 ~~(1) It is the intent of this act to address more~~ <--  
22 ~~effectively the potential of citizens, employers and~~  
23 ~~communities in this Commonwealth by doing all of the~~  
24 ~~following:~~

25 ~~(i) Recognizing that the skills and knowledge of the~~  
26 ~~Commonwealth's workforce are the keys to providing~~  
27 ~~enhanced opportunities for individuals and economic~~  
28 ~~competitive advantages for businesses and communities.~~

29 ~~(ii) Providing for more efficient and coordinated~~  
30 ~~administration of workforce [investment] development~~

1 activities.

2 ~~(iii) Promoting the coordination and integration of~~  
3 ~~workforce [investment] development, economic development~~  
4 ~~and education policies for eligible youth, postsecondary~~  
5 ~~education and adult education.~~

6 \* \* \*

7 (4) Achievement of a world-class workforce in this  
8 Commonwealth is best accomplished through a unified system  
9 which is dedicated to and operates in adherence with the  
10 following basic philosophy and core values:

11 \* \* \*

12 (iv) Stewardship of public resources, emphasizing  
13 private sector solutions to workforce [investment]  
14 development goals supplemented by public/private  
15 partnerships and limited government involvement when  
16 necessary.

17 \* \* \*

18 (5) This act enables the Commonwealth to participate in  
19 the program under the [Workforce Investment Act of 1998  
20 (Public Law 105-220, 112 Stat. 936)] Workforce Innovation and  
21 Opportunity Act (Public Law 113-128, 128 Stat. 1425).

22 Section 103. Definitions.

23 The following words and phrases when used in this act shall  
24 have the meanings given to them in this section unless the  
25 context clearly indicates otherwise:

26 "Board." The Pennsylvania Workforce [Investment] Development  
27 Board established in section 301.

28 "Certification." An approval issued by the Governor, upon  
29 recommendation by the board, to a local workforce [investment]  
30 development board which satisfies the eligibility requirements

1 established by the Governor, upon recommendation by the board.

2 "Chief elected official." [Any of the following:

3 (1) The mayor of a city of the first class.

4 (2) The mayor of a city of the second class.

5 (3) The chairperson of the board of commissioners of a  
6 county or an individual acting in that capacity.

7 (4) The county executive in a home rule charter county  
8 or optional plan county under 53 Pa.C.S. Pt. III Subpt. E  
9 (relating to home rule and optional plan government).

10 (5) The county executive in a county of the second class  
11 which has opted for home rule under Article XXXI-C of the act  
12 of July 28, 1953 (P.L.723, No.230), known as the Second Class  
13 County Code.]

14 (1) The chief elected executive officer of a political  
15 subdivision designated as a local workforce development area.

16 (2) If a local workforce development area includes more  
17 than one political subdivision, the chief elected officials  
18 in the local workforce development area may execute an  
19 agreement that specifies the respective roles of each chief  
20 elected official in the appointment of the members of a local  
21 workforce development board and in carrying out  
22 responsibilities assigned to the officials under this act or  
23 the Workforce Innovation and Opportunity Act, including the  
24 respective roles of each chief elected official in the  
25 appointment of members of a local workforce development  
26 board.

27 "Core program." Any of the following:

28 (1) The provisions of Title I, Subtitle B, Chapters 2  
29 and 3 and Title II of the Workforce Innovation and  
30 Opportunity Act.

1           (2) The provisions of sections 1 through 13 of the  
2           Wagner-Peyser Act of 1933 (Public Law 73-30, 48 Stat. 113).

3           (3) The provisions of Title I of the Rehabilitation Act  
4           of 1973 (Public Law 93-112, 29 U.S.C. § 720 et seq.), other  
5           than section 112 or Part C (29 U.S.C. § 732, 741).

6           "Customer." Any employer, job seeker or incumbent worker who  
7 wishes to engage in workforce [investment] DEVELOPMENT <--  
8 activities which fall within the purview of this act OR ANY <--  
9 OTHER INDIVIDUAL NOT PRECLUDED UNDER THE WORKFORCE INNOVATION  
10 AND OPPORTUNITY ACT. The term does not include a service  
11 provider.

12           "Customized training." Training which is designed to meet  
13 the special requirements of an employer, including a group of  
14 employers, and which is conducted with a commitment by the  
15 employer to employ an individual on successful completion of the  
16 training[.] for which the employer pays:

17           (1) A significant portion of the cost of training as  
18           determined by the local workforce development board involved,  
19           taking into account the size of the employer and other  
20           factors as the local workforce development board determines  
21           to be appropriate, which may include the number of employees  
22           participating in training, wage and benefit levels of those  
23           employees, at present and anticipated upon completion of the  
24           training, relation of the training to the competitiveness of  
25           a participant and other employer-provided training and  
26           advancement opportunities.

27           (2) In the case of an employer located in multiple areas  
28           of this Commonwealth, a significant portion of the cost of  
29           the training, as determined by the Governor, taking into  
30           account the size of the employer and other factors as the

1 Governor determines to be appropriate.

2 "Eligible youth." An individual who:

3 (1) is not less than 14 years of age and not more than  
4 [21] 24 years of age; <--

5 [(2) is a low-income individual; and <--

6 (3) is an individual who is:

7 (i) deficient in basic literacy skills;

8 (ii) a school dropout;

9 (iii) homeless;

10 (iv) a runaway or a foster child;

11 (v) pregnant or a parent;

12 (vi) an offender; or

13 (vii) in need of additional assistance to complete

14 an educational program or to secure and hold employment.] <--

15 AND

16 (2) IS ONE OF THE FOLLOWING:

17 (I) AN "OUT-OF-SCHOOL YOUTH" AS DEFINED IN SECTION  
18 129 (A) (1) (B) OF THE WORKFORCE INNOVATION AND OPPORTUNITY  
19 ACT; OR

20 (II) AN "IN-SCHOOL YOUTH" AS DEFINED IN SECTION  
21 129 (A) (1) (C) OF THE WORKFORCE INNOVATION AND OPPORTUNITY  
22 ACT.

23 "Employment." Work that is employer based or  
24 entrepreneurial.

25 "Information access." An information system which:

26 (1) makes use of a combination of technologies and means  
27 of access;

28 (2) is readily identifiable and easily accessible; and

29 (3) enables the sharing of workforce investment

30 information across all parts of the unified system and is

1 available to all customers.

2 "Lifelong learning." Formal and informal learning and  
3 training activities, as well as work experience, which develop  
4 the knowledge and the learning skills of students and customers  
5 to enhance learning, employability and the quality of life for  
6 each individual in society.

7 "Local plan." A comprehensive four-year local plan as  
8 specified in section 108 of the Workforce Innovation and  
9 Opportunity Act.

10 "Local workforce [investment] development area." An area  
11 designated [by the Governor, through consultation with the board  
12 and the chief elected officials, to further the goals and  
13 purpose of this act] under section 501.

14 "Local workforce [investment] development board." [An entity  
15 recommended for certification by the board, certified by the  
16 Governor and organized to further the goals and purpose of this  
17 act.] A local workforce development board established under  
18 section 501.

19 "One-stop delivery system." A one-stop collaborative network  
20 of service providers designed to deliver to customers high-  
21 quality information access, lifelong learning, transitional or  
22 work support services or activities and economic investment  
23 services and activities at a county or multicounty level.

24 "Participating agencies." All of the following:

25 (1) The Department of Aging.

26 (2) The Department of Community and Economic  
27 Development.

28 (3) The Department of Education.

29 (4) The Department of Labor and Industry.

30 (5) The Department of [Public Welfare] Human Services.

1 (6) Any agency which oversees and monitors funds  
2 appropriated by the Federal Government and designated by the  
3 Governor or funds specifically appropriated by the General  
4 Assembly for workforce [investment] development which falls  
5 under the authority of the board.

6 "PLANNING REGION." REGIONS AS PROVIDED UNDER SECTION 106(A) <--  
7 (2) (B) OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT.

8 "REGIONAL PLAN." A PLAN FOR A PLANNING REGION AS PROVIDED  
9 UNDER SECTION 106(C) (2) OF THE WORKFORCE INNOVATION AND  
10 OPPORTUNITY ACT.

11 "School entity." A public school district, intermediate unit  
12 or area vocational-technical school.

13 "Service provider." Any individual, partnership or  
14 corporation, secondary or postsecondary educational institution  
15 or intermediate unit or public agency that engages in the  
16 business of providing workforce [investment] development  
17 services and activities for monetary remuneration.

18 "State plan." A unified state plan under section 102 of the  
19 Workforce Innovation and Opportunity Act or a combined state  
20 plan under section 103 of the Workforce Innovation and  
21 Opportunity Act.

22 "Transitional support." Wage loss or subsistence programs,  
23 such as public assistance, unemployment compensation and  
24 workers' compensation, which are designed to provide temporary  
25 income during a defined interim period to enable a customer to  
26 pursue employment opportunities and to obtain and engage in  
27 employment.

28 "Unified system." The system for the delivery of workforce  
29 [investment] development programs to [assure] encourage a well-  
30 educated, highly skilled workforce for this Commonwealth.



1 "Work support." Assistance which helps a customer secure and  
2 maintain employment, such as assistance in securing child care,  
3 transportation, vocational rehabilitation goods or services or  
4 case management.

5 "Workforce development." Information access and lifelong  
6 learning activities. The term includes vocational education  
7 programs; programs in community colleges, technical colleges and  
8 postsecondary education institutions authorized to grant  
9 diplomas and certificates, specialized associate, associate,  
10 baccalaureate and advanced degrees; and transitional support and  
11 work support services or activities which enable customers to  
12 engage in or prepare for employment opportunities.

13 "Workforce Innovation and Opportunity Act." The Workforce  
14 Innovation and Opportunity Act of 2014 (Public Law 113-128, 128  
15 Stat. 1425).

16 ~~["Workforce investment activity." +Workforce development.+] <--~~  
17 ~~An employment and training activity or a youth workforce~~  
18 ~~investment activity.~~

19 "Youth activity." An activity which is carried out for  
20 eligible youths.

21 Section 104. Lobbying.

22 An individual who is registered as a lobbyist under 65  
23 Pa.C.S. Ch. 13 (relating to lobby regulation and disclosure) may  
24 not serve as a member of the board or as a member of a local  
25 workforce [~~investment~~] development board.

26 Section 301. Establishment.

27 The Pennsylvania Workforce [~~Investment~~] Development Board is  
28 established to advise and assist the Governor and the General  
29 Assembly on the implementation of a unified system to assure a  
30 well-educated, highly skilled workforce. The board is

1 responsible for unifying the Commonwealth's existing Federal and  
2 State workforce [investment] development programs into an  
3 integrated system. All recommendations and decisions of the  
4 board shall be in compliance with the [Workforce Investment Act  
5 of 1998 (Public Law 105-220, 112 Stat. 936)] Workforce  
6 Innovation and Opportunity Act.

7 SECTION 2. SECTION 302(A) (3) (I), (III) AND (VI) AND (4), <--  
8 (B), (F) AND (I) OF THE ACT ARE AMENDED AND SUBSECTION (A) IS  
9 AMENDED BY ADDING A PARAGRAPH TO READ:

10 Section 302. Membership.

11 (a) General rule.--The board shall be established as  
12 follows:

13 \* \* \*

14 (3) Representatives appointed by the Governor [who are:]  
15 as follows FOLLOWS: <--

16 (i) [Representatives] A majority shall be  
17 representatives of business[, including] who:

18 (A) Are private sector employers,  
19 representatives from each of the Commonwealth's  
20 marketing regions, owners of businesses, chief  
21 executive officers, other business executives with  
22 optimum policymaking or hiring authority[, members of  
23 local workforce investment boards] and businesses  
24 that reflect the employment opportunities in this  
25 Commonwealth, including large and small employers.  
26 Members under this clause may be members of a local  
27 workforce development board.

28 (B) Represent businesses, including small  
29 businesses, or organizations representing businesses  
30 described in clause (A), which provide employment

1 opportunities that, at a minimum, include high-  
2 quality, work-relevant training and development in  
3 in-demand industry sectors or occupations in this  
4 Commonwealth.

5 (C) Are appointed among individuals nominated by  
6 State business organizations and trade associations.

7 \* \* \*

8 (iii) [Representatives of labor organizations who  
9 have been nominated by State labor federations.] At least  
10 20% of representatives appointed under this paragraph  
11 shall be representatives of the workforce within this  
12 Commonwealth who:

13 (A) Shall include representatives of labor  
14 organizations who have been nominated by Pennsylvania  
15 labor federations.

16 (B) Shall include a representative who is a  
17 member of a labor organization or a training director  
18 from a joint labor-management apprenticeship program  
19 or, if no joint labor-management apprenticeship  
20 program exists in this Commonwealth, a representative  
21 of an apprenticeship program in this Commonwealth.

22 \* \* \*

23 (vi) Lead Commonwealth agency officials, including:

24 (A) The Secretary of Aging.

25 (B) The Secretary of Community and Economic  
26 Development.

27 (C) The Secretary of Education.

28 (D) The Secretary of Labor and Industry.

29 (E) The Secretary of [Public Welfare] Human  
30 Services.

1 (F) The Director of the Governor's Policy  
2 Office.

3 \* \* \*

4 [(4) A majority of the board under this subsection must  
5 be representatives of business.]

6 (3.1) NO INDIVIDUAL SHALL SERVE AS A MEMBER REPRESENTING <--  
7 MORE THAN ONE OF THE CATEGORIES DESCRIBED UNDER SECTION  
8 101(B)(1)(C) OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT.

9 \* \* \*

10 (b) Chairperson.--The Governor shall designate, to serve at  
11 the Governor's pleasure, a [member from the private sector]  
12 representative of business to serve as chairperson of the board  
13 [and one government representative to serve as vice chairperson] <--  
14 of the board]. <--

15 \* \* \*

16 (f) Executive committee.--An executive committee that  
17 includes representation from [the private sector] business may  
18 be established and authorized under the board within the  
19 provisions of the Workforce Innovation and Opportunity Act to  
20 fulfill the board's responsibilities. The organization framework  
21 may utilize existing staff structure or develop its own staffing  
22 arrangement.

23 \* \* \*

24 (i) Personnel, equipment, resources.--The policy and program  
25 offices of the Department of Aging, the Department of Community  
26 and Economic Development, the Department of Education, the  
27 Department of Labor and Industry and the Department of [Public  
28 Welfare] Human Services shall provide personnel, equipment and  
29 resources as required for the functioning of the board.

30 SECTION 3. SECTIONS 303(2), 304(A)(1), (2), (7), (8), (10), <--

1 (11), (12), (13), (14), (18), (18.1) AND (19) AND (B) AND 305.1  
2 OF THE ACT ARE AMENDED TO READ:

3 Section 303. Conflicts of interest.

4 A member of the board may not do any of the following:

5 \* \* \*

6 (2) Engage in any other activity determined by the  
7 Governor to constitute a conflict of interest as specified in  
8 the State plan or unified system.

9 Section 304. Plan, functions and responsibilities.

10 (a) General rule.--The board, in furtherance of section 102,  
11 shall advise and assist the Governor on all of the following:

12 (1) Development and adoption of and adherence to,  
13 throughout the unified system, standards, principles,  
14 policies, goals, financial resource investment priorities and  
15 strategies for workforce [investment] development to maintain  
16 continuously a competitive advantage for this Commonwealth.

17 (2) Monitoring and assuring collaboration of the  
18 investment of all funds specifically appropriated by the  
19 Federal Government and designated by the Governor or funds  
20 specifically appropriated by State government for workforce  
21 [investment] development under any Federal or State statute.

22 \* \* \*

23 (7) Evaluation of whether the [unified workforce  
24 investment] local plans submitted by local workforce  
25 [investment] development boards [consistent with local plan  
26 requirements developed by the board. The objective of the  
27 plans is to develop local and regional templates from which  
28 Federal and State funds can be aligned and targeted toward  
29 common goals and objectives.] support the strategies  
30 described by the State plan and are consistent with the State

1 plan.

2 (8) Securing appropriate input from local workforce  
3 [investment] development boards in the development of  
4 policies, local performance measures or investment  
5 strategies.

6 \* \* \*

7 [(10) Contracting or developing written agreements or  
8 memoranda of understanding with participating agencies for  
9 the administration and management of workforce investment  
10 programs and activities under the responsibility of the  
11 board.]

12 (11) Providing technical assistance to local workforce  
13 [investment] development boards to assist them in maximizing  
14 the investment of public money.

15 (12) Setting the criteria, as permitted by the Workforce  
16 Innovation and Opportunity Act, for unified system and  
17 service provider participation and developing a systemwide  
18 [marketing] outreach program.

19 (13) Recommending certification or recertification of  
20 local workforce [investment] development boards [by giving  
21 consideration to all of the following:

22 (i) The proposed local workforce investment board's  
23 leadership system and its capability to effectively  
24 monitor and assure collaboration of workforce investment  
25 programs.

26 (ii) The portion of the labor market or geographical  
27 area to be served by the proposed local workforce  
28 investment board.] under the authority provided to the  
29 Governor by Federal law for certification or  
30 recertification. In particular, when considering

1 recertification, the extent to which the local workforce  
2 development board has ensured that workforce investment <--  
3 DEVELOPMENT activities carried out in the local area have <--  
4 enabled the local area to achieve sustained fiscal  
5 integrity, as defined in section 106(b)(2) of the  
6 Workforce Innovation and Opportunity Act, and meet the <--  
7 corresponding performance accountability measures AND ANY <--  
8 OTHER FACTORS DEEMED NECESSARY BY THE GOVERNOR.

9 (14) Recommending necessary action, including  
10 decertification, if a local workforce [investment]  
11 development board fails to [act, acts improperly] carry out  
12 its functions as specified by law, engages in fraud or abuse  
13 or fails to meet [the conditions of its unified local  
14 workforce investment plan in which Federal or State funds  
15 have been invested.] established local performance  
16 accountability measures for the local area for two  
17 consecutive program years.

18 \* \* \*

19 (18) [Assuring] Encouraging the implementation of  
20 Federal and State statutory mandates which fall within the  
21 purview of the unified system.

22 (18.1) Recommendations regarding the operation of the  
23 one-stop delivery system and local workforce [investment]  
24 development boards.

25 (19) Compilation of an annual report which shall be  
26 submitted to the General Assembly, the Secretary of the  
27 Senate and the Chief Clerk of the House of Representatives by  
28 March 1 and which shall include all of the following:

29 (i) A detailed explanation of the performance  
30 measures used and how the performance measures were

1 developed.

2 (ii) An explanation of the process used to achieve  
3 continuous improvement of workforce [investment]  
4 development activities.

5 (iii) The anticipated course of actions to be taken  
6 by the board to encourage continuous improvement in the  
7 unified system.

8 (iv) A list of the membership of the board,  
9 including name, affiliation, address, telephone number,  
10 telefax number and electronic mail address.

11 (v) An explanation of the process used to negotiate  
12 levels of local performance.

13 (vi) A list of all certified local workforce  
14 [investment] development boards in this Commonwealth,  
15 including each local workforce board's negotiated level  
16 of local performance, each local workforce board's level  
17 of performance attained and the action taken with respect  
18 to any local workforce [investment] development board  
19 which failed to meet its negotiated level of local  
20 performance.

21 (vii) A copy of the annual report submitted by each  
22 local workforce [investment] development board to the  
23 board.

24 (viii) An accounting of Federal and State funds  
25 expended for workforce [investment] development in the  
26 previous fiscal year by line item and program.

27 ~~(ix) A detailed explanation of the performance~~  
28 ~~measures used and how the performance measures were~~  
29 ~~developed.~~

<--

30 ~~(x) An explanation of the process used to achieve~~



1 ~~continuous improvement of workforce investment~~  
2 ~~activities.~~

3 (b) Evaluation of plans.--In order to develop an effective  
4 system to evaluate the [unified workforce investment] local  
5 plans submitted by local workforce [investment] development  
6 boards, the board shall:

7 (1) Seek the participation of the participating agencies  
8 to ensure that the plans integrate workforce programs.

9 (2) Seek the advice of local workforce [investment]  
10 development boards to identify areas where federally and  
11 State-funded workforce resources can be maximized in a local  
12 region.

13 (3) Work with the participating agencies and local  
14 workforce [investment] development boards to fully implement  
15 local [workforce investment] plans.

16 (4) Ensure that local [workforce investment] plans  
17 incorporate sufficient levels of community engagement,  
18 participation and input from workforce development  
19 partnerships.

20 The review of the plans shall determine the extent to which  
21 State workforce development funds have been integrated with the  
22 approved plan.

23 Section 305.1. [State performance] Commonwealth fiscal  
24 management accountability information system.

25 [(a) General rule.--The board shall establish a system for  
26 the development, oversight, modification and continuous  
27 improvement of a comprehensive performance accountability system  
28 that will provide effective measures of the performance and  
29 impact of the workforce development system at the State and  
30 local levels. The system will include input from board members,

1 local workforce investment boards, operators of the one-stop  
2 delivery system, workforce development program providers,  
3 business and industry and the participating agencies. The system  
4 will be designed to produce recommendations to the board, the  
5 Governor and the General Assembly and shall function within time  
6 frames established by the board. The system shall be  
7 comprehensive and provide a reporting system for program funding  
8 as established by the board. The system shall:

9 (1) Identify one or more State agencies responsible for  
10 the coordination and management of data.

11 (2) Identify systems for tracking and reporting of  
12 information and determining the role of the State and local  
13 workforce investment boards.

14 (3) Enable the development and funding of a locally  
15 based management information system that will provide local  
16 workforce investment boards and the board with management  
17 data.

18 (4) Enable revisions to the performance management  
19 system.

20 (b) Required performance measures.--The State performance  
21 management system shall include:

22 (1) Entry into unsubsidized employment.

23 (2) Retention in unsubsidized employment six months  
24 after entry into the employment.

25 (3) Earnings received in unsubsidized employment six  
26 months after entry into the employment.

27 (4) Attainment of a recognized credential relating to  
28 achievement of educational skills, including attainment of a  
29 secondary school diploma or its recognized equivalent, or  
30 occupational skills by participants who enter unsubsidized

1 employment or by participants who are eligible youths between  
2 the ages of 19 and 21 and who enter postsecondary education,  
3 advanced training or unsubsidized employment.

4 (5) The use of Federal funds for training services,  
5 including activities authorized under Chapter 2 of Title II  
6 of the Trade Act of 1974 (Public Law 93-618, 19 U.S.C. § 2101  
7 et seq.).

8 (6) Guarantees for program quality and performance.

9 (7) Uniform program performance measures.

10 The required performance measures in paragraphs (1) through (5)  
11 may be modified by the board to be aligned with common  
12 performance measures adopted pursuant to revisions to the  
13 Workforce Investment Act of 1998 (Public Law 105-220, 112 Stat.  
14 936) or the adoption of common performance measures by the  
15 Federal agencies covered by this act.

16 (c) Customer satisfaction.--As an indicator of performance,  
17 customer satisfaction shall also be considered. The customer  
18 satisfaction indicator of performance shall consist of customer  
19 satisfaction of employers and participants with services  
20 received from workforce investment activities. Customer  
21 satisfaction may be measured through surveys conducted after the  
22 conclusion of participation in the workforce investment  
23 activities. These surveys shall include questions about whether  
24 employers, grant recipients and participants are able to quickly  
25 receive funding.

26 (d) Guarantees for program quality and performance.--  
27 Ensuring the quality of workforce development programs is an  
28 essential function of the board. The board shall establish one  
29 or more quality performance guarantees for workforce development  
30 programs under this act. A guarantee may include:

1 (1) A guarantee or warranty for the training provided to  
2 an incumbent worker, employee, job seeker or student.

3 (2) Successful completion of a certificate or short-term  
4 training class or program established by a college or  
5 university, a private licensed school established under the  
6 act of December 15, 1986 (P.L.1585, No.174), known as the  
7 Private Licensed Schools Act, or a local workforce investment  
8 board.

9 (3) Passage of a nationally recognized or industry-  
10 recognized certificate examination.

11 (4) A combination of paragraphs (1) through (3).

12 (5) Other requirements established by the board.

13 The program quality and performance guarantee shall provide for  
14 additional education or training for persons who become employed  
15 and are not able to perform their duties at a satisfactory  
16 level, for employees receiving customized job training or other  
17 training that is not satisfactory for the employer and for  
18 students advancing to the next sequence of an integrated and  
19 seamless secondary and postsecondary education program, as  
20 established in section 902, who are not capable of performing at  
21 this academic level. The board shall consult with local  
22 workforce investment boards and program providers prior to the  
23 adoption of the guarantees for program quality and performance.

24 The guarantee provisions shall be adopted by the board by June  
25 30, 2003.] The Governor, in coordination with the board,  
26 Commonwealth agencies administering the core programs, local  
27 workforce development boards and chief elected officials shall  
28 establish and operate a fiscal management accountability  
29 information system based on guidelines established by the United  
30 States Secretary of Labor and the United States Secretary of

1 Education. Funds for the establishment and operation of the  
2 fiscal management accountability information system shall be  
3 money that is authorized under a core program and made available  
4 to carry out Title I, Subtitle A, Chapter 4 of the Workforce  
5 Innovation and Opportunity Act.

6 Section 2 4. The act is amended by adding a section to read: <--  
7 Section 305.2. Performance accountability system.

8 (a) Required performance measures.--The board shall assist  
9 the Governor in developing and updating comprehensive State  
10 performance accountability measures to assess the effectiveness  
11 of the core programs in this Commonwealth. The accountability  
12 measures shall consist of the accountability measures specified  
13 in section 116(b) (1) of the Workforce Innovation and Opportunity  
14 Act, which are:

15 (1) The primary indicators of performance.

16 (2) Additional indicators of performance.

17 (3) A State-adjusted level of performance.

18 (b) Additional indicators of performance.--The Governor  
19 ~~shall~~ MAY identify in the State plan the following performance <--  
20 accountability indicators:

21 (1) The use of Federal funds for training services,  
22 including activities authorized under Title II, Chapter 2 of  
23 the Trade Act of 1974 (Public Law 93-618, 19 U.S.C. § 2101 et  
24 seq.).

25 (2) The customer satisfaction indicator of performance,  
26 which shall consist of customer satisfaction of employers,  
27 grant recipients and participants who have received services  
28 from workforce investment activities. Customer satisfaction  
29 may be measured through surveys conducted after the  
30 conclusion of participation in workforce investment

1 activities. Surveys under this paragraph shall include  
2 questions about whether employers, grant recipients and  
3 participants are able to quickly receive funding.

4 (3) ~~One or more quality performance guarantees~~ <--  
5 PROVISIONS, which the Governor shall establish and which may <--  
6 include:

7 (i) ~~A guarantee or warranty~~ WARRANTY OR SIMILAR <--  
8 ASSURANCE OF QUALITY for the training provided to an  
9 incumbent worker, employee, job seeker ~~or~~, student OR <--  
10 OTHER ELIGIBLE PARTICIPANT.

11 (ii) Successful completion of a certificate or  
12 short-term training class or program established by a  
13 college or university, a private licensed school  
14 established under the act of December 15, 1986 (P.L.1585,  
15 No.174), known as the Private Licensed Schools Act, ~~or a~~ <--  
16 local workforce development board.

17 (iii) Passage of a nationally recognized or  
18 industry-recognized certificate examination.

19 (iv) A combination of subparagraphs (i), (ii) and  
20 (iii).

21 (4) Other requirements established by the Governor.

22 (c) Additional education and training.--Program quality and  
23 performance ~~guarantees~~ PROVISIONS shall provide for additional <--  
24 education or training for individuals who were employed and are  
25 not able to perform their duties at a satisfactory level, for  
26 employees receiving customized job training or other training  
27 that is not satisfactory for the employer and for students  
28 advancing to the next sequence of an integrated and seamless  
29 secondary and postsecondary education program, as established in  
30 section 902, who are not capable of performing at a satisfactory

1 academic level. The Governor shall consult with local workforce  
2 development boards and program providers prior to the adoption  
3 of the ~~guarantees~~ PROVISIONS for program quality and <--  
4 performance.

5 Section 3 5. The heading of Chapter 5 and sections 501, 502, <--  
6 503, 504, 505 and 701-A of the act are amended to read:

7 CHAPTER 5

8 LOCAL WORKFORCE [INVESTMENT] DEVELOPMENT AREAS AND REGIONS  
9 AND LOCAL WORKFORCE DEVELOPMENT BOARDS

10 Section 501. Establishment.

11 (a) Areas and [local workforce investment boards] regions.--

12 (1) Local workforce [investment areas shall be  
13 designated by the Governor through consultation with the  
14 board and the chief elected officials and after consideration  
15 of comments received through the public comment process. In  
16 making the designation of local workforce investment areas,  
17 the Governor shall take into consideration the following:

18 (i) Geographic areas served by school entities.

19 (ii) Geographic areas served by postsecondary  
20 educational institutions, including community colleges  
21 and technical colleges and area vocational-technical  
22 schools and career technology centers.

23 (iii) The extent to which such local workforce  
24 investment areas are consistent with labor market areas.

25 (iv) The distance that individuals will need to  
26 travel to receive services provided in such local  
27 workforce investment areas.

28 (v) The resources of such local workforce investment  
29 areas that are available to effectively administer the  
30 activities carried out under Federal and State law.]

1           development areas shall be designated by the Governor  
2 through consultation with the board and after consultation  
3 with chief elected officials and local workforce development  
4 boards and consideration of comments received through the  
5 public comment process. The Governor shall base the  
6 designations on considerations specified in section 106(b)(1)  
7 (B) of the Workforce Innovation and Opportunity Act.

8           (1.1) The term "local workforce development area"  
9 includes a planning region for purposes of implementation of  
10 that provision by the corresponding local workforce  
11 development areas in the region except if the board assists  
12 the Governor in the development of discretionary allocation  
13 formulas for the distribution of funds for employment and  
14 training activities for adults and youth workforce  
15 development activities to local workforce development areas  
16 as permitted under section 128(b)(3) and section 133(b)(3) of  
17 the Workforce Innovation and Opportunity Act.

18           (2) [Local workforce investment boards shall be  
19 established in each local workforce investment area of this  
20 Commonwealth, recommended for certification by the board and  
21 certified by the Governor, to set policy for the portion of  
22 the unified system within that local workforce investment  
23 area. The local workforce investment boards shall work to  
24 establish workforce development services in collaboration  
25 with postsecondary institutions, area vocational-technical  
26 schools and career technology centers; secondary schools,  
27 including charter schools at these grade levels; community  
28 colleges; and technical colleges.] Except as provided in  
29 paragraph (3), a local workforce development board shall be  
30 established and certified by the Governor in each local



1 workforce development area to carry out the functions  
2 described in section 504 and any functions specified for the  
3 local workforce development board under the Workforce  
4 Innovation and Opportunity Act or Federal provisions  
5 establishing a core program for the local area.

6 (3) No local workforce [investment] development board  
7 may conduct business unless it is certified by the Governor  
8 under paragraph (2).

9 [(b) Purpose.--The purpose of each local workforce  
10 investment board is to advise and assist the chief elected  
11 official in the county or counties served by the local workforce  
12 investment board by setting policy to promote effective  
13 workforce investment programs in a designated geographic area.]

14 (c) Administration and liability.--

15 (1) The chief elected official in a local workforce  
16 [investment] development area shall serve as the local grant  
17 recipient for and shall be liable for any misuse of the grant  
18 funds allocated to the local workforce [investment]  
19 development area under Federal law or this act[.], unless the  
20 chief elected official reaches an agreement with the Governor  
21 for the Governor to act as the local grant recipient and the  
22 Commonwealth assumes the liability.

23 (2) [The] In order to assist in administration of the  
24 grant funds, the chief elected official [in] or the Governor,  
25 if the Governor serves as the local grant recipient for a  
26 local workforce [investment] development area may designate  
27 an entity to serve as a local grant subrecipient for such  
28 funds or as a local fiscal agent. Such designation shall not  
29 relieve the chief elected official or the Governor of  
30 liability for any misuse of grant funds as described in

1 paragraph (1).

2 (3) The local grant recipient or an entity designated  
3 under paragraph (2) shall disburse such funds for workforce  
4 investment activities at the direction of the local board,  
5 pursuant to the requirements of this act[.] and the Workforce  
6 Innovation and Opportunity Act. The local grant recipient or  
7 entity shall disburse the funds immediately on receiving the  
8 direction from the local board.

9 Section 502. Membership.

10 (a) Composition.--The following apply:

11 (1) [A local workforce investment board appointed by the  
12 chief elected official shall be as follows:] The Governor, in  
13 partnership with the board, shall establish criteria for use  
14 by chief elected officials in local workforce development  
15 areas for appointment of members to local workforce  
16 development boards. The following apply:

17 (i) A majority of the board's members shall be  
18 representatives of business in the local workforce  
19 [investment] development area who:

20 (A) are owners of businesses, chief executives  
21 or operating officers of businesses and other  
22 business executives or employers with optimum  
23 policymaking or hiring authority;

24 (B) represent businesses [with], including small  
25 businesses or organizations representing business  
26 described in this subparagraph, that provide  
27 employment opportunities [which reflect the  
28 employment opportunities of] that, at a minimum,  
29 include high-quality, work-relevant training and  
30 development in in-demand industry sectors or

1 occupations in the local workforce [investment]  
2 development area; and

3 (C) are appointed from among individuals  
4 nominated by local business organizations and  
5 business trade associations.

6 (ii) [Representatives of local educational entities,  
7 including representatives of] Board membership shall  
8 include individuals who represent entities administering  
9 education and training activities in the local area. The  
10 following apply:

11 (A) Members under this subparagraph shall  
12 include a representative of eligible providers  
13 administering adult education and literacy activities  
14 under Title II of the Workforce Innovation and  
15 Opportunity Act and a representative of institutions  
16 of higher education providing workforce investment  
17 activities, including community colleges.

18 (B) If there are multiple eligible providers  
19 serving the local area or multiple institutions of  
20 higher education serving the local workforce  
21 development area under clause (A), each member of the  
22 local workforce development board shall be appointed  
23 from among individuals nominated by local providers  
24 representing the providers or institutions,  
25 respectively.

26 (C) Entities administering education and  
27 training activities shall MAY include representatives <--  
28 of local educational agencies, local school boards,  
29 entities providing adult education and literacy  
30 activities, postsecondary educational institutions,

1 community colleges and technical colleges[, selected  
2 from among individuals nominated by regional].  
3 Regional or local educational agencies, institutions  
4 or organizations representing [such] local  
5 educational entities may recommend representatives of  
6 respective entities to serve as members of a local  
7 workforce development board.

8 [(iii) In a local workforce investment area in which  
9 employees are represented by labor organizations,  
10 representatives nominated by local labor federations.

11 (iv) In a local workforce investment area in which  
12 no employees are represented by labor organizations,  
13 other representatives of employees.]

14 (iii) At least 20% of board members shall be  
15 representatives of the workforce within the local area  
16 and shall include:

17 (A) In a local workforce development area in  
18 which employees are represented by labor  
19 organizations, all of the following:

20 (I) Representatives nominated by local labor <--  
21 federations OF LOCAL LABOR ORGANIZATIONS WHO HAVE <--  
22 BEEN NOMINATED BY LOCAL LABOR FEDERATIONS.

23 (II) A member of a labor organization or a  
24 training director from a joint labor-management  
25 apprenticeship program or, if a joint labor-  
26 management apprenticeship program does not exist  
27 in the local workforce development area, a  
28 representative of an apprenticeship program in  
29 the local workforce development area, if an  
30 apprenticeship program exists in the local

1 workforce development area.

2 (B) In a local workforce development area in  
3 which no employees are represented by labor  
4 organizations, other representatives of employees.

5 (iv) (Reserved).

6 (v) [Representatives of] Board membership shall MAY <--  
7 include individuals who represent community-based  
8 organizations, which may include organizations  
9 representing minorities, individuals with disabilities,  
10 older workers and veterans, from a local workforce  
11 [investment] development area in which such organizations  
12 are present. If an organization demonstrates experience  
13 and expertise in addressing the employment needs of  
14 individuals with barriers to employment, including  
15 organizations that serve veterans or that provide support  
16 or competitive integrated employment for individuals with  
17 disabilities, the representative of the organization  
18 shall be included within those members under subparagraph  
19 (iii) for purposes of determining the percentage of  
20 members that are representatives of the workforce within  
21 the local area.

22 (v.1) Board membership may include individuals who  
23 represent organizations that have experience and  
24 expertise in addressing the employment, training or  
25 education needs of eligible youth. If a representative of  
26 an organization under this clause is appointed, the  
27 representative shall be included under subparagraph (iii)  
28 for purposes of determining the percentage of members  
29 that are representatives of the workforce within the  
30 local area.

1           (vi) [Representatives of] Board membership shall  
2 include individuals who represent governmental and  
3 economic and community development entities[.] serving  
4 the local workforce development area and shall include:

5           (A) A representative of economic and community  
6 development entities.

7           (B) An appropriate representative from the State  
8 employment service office under the Wagner-Peyser Act  
9 of 1933 (Public Law 13-30, 48 Stat. 113) serving the  
10 local area.

11           (C) An appropriate representative of the  
12 programs carried out under Title I of the  
13 Rehabilitation Act of 1973 (Public Law 93-112, 29  
14 U.S.C. 720 et seq.), other than section 112 or Part C  
15 of that title (29 U.S.C. §§ 732, 741), serving the  
16 local area.

17           (vii) [Representatives] Board membership shall MAY <--  
18 include representatives of each of the one-stop delivery  
19 system partners not otherwise specified under this  
20 subsection.

21           (viii) [Other] Board membership shall include  
22 individuals or representatives of entities as the chief  
23 elected official in the local workforce [investment]  
24 development area may determine [to be] appropriate.

25           (2) Members of the local workforce [investment]  
26 development board must be individuals who have optimum  
27 policymaking authority within the organizations, agencies or  
28 other entities which they represent.

29           (3) The membership shall select a chairperson from [the  
30 private sector] representatives appointed under paragraph (1)

1 (i).

2 (4) A local workforce [investment] development board may  
3 hire limited staff to implement the decisions of the local  
4 workforce [investment] development board.

5 (b) Manner of appointment.--In accordance with the criteria  
6 established [by the board for the Governor] under subsection (a)  
7 (1), a member of a local workforce [investment] development  
8 board shall be appointed [by the chief elected official of the  
9 city, county or counties that participate in the local workforce  
10 investment board] as follows:

11 (1) If the local workforce development area consists of  
12 only one [county participates on the local workforce  
13 investment board] political subdivision, the chief elected  
14 official shall appoint the members.

15 (2) If a local workforce [investment board represents]  
16 development area consists of more than one [county or  
17 represents both a county and a city that comprises a separate  
18 workforce investment area] political subdivision, the chief  
19 elected officials of each [county and any city that comprises  
20 a separate workforce investment area also represented by the  
21 local workforce investment board shall] political subdivision  
22 may enter into a detailed written agreement describing the  
23 understanding of the [counties] political subdivisions as to  
24 appointments, governance and oversight activities of the  
25 [local workforce investment board under this act] chief  
26 elected officials. If after a reasonable effort the chief  
27 elected officials are unable to reach agreement, the Governor  
28 may appoint the members of the local workforce [investment]  
29 development board from individuals [so] nominated or  
30 recommended.

1       ~~(3) In the case of an area that was designated as a~~  
2       ~~local workforce investment area in accordance with section~~  
3       ~~116(a)(2)(B) of the Workforce Innovation and Opportunity Act,~~  
4       ~~the governing body of the concentrated employment program~~  
5       ~~involved shall act in consultation with the chief elected~~  
6       ~~official in the local workforce development area to appoint~~  
7       ~~members of the local workforce development board and to carry~~  
8       ~~out any other responsibility relating to workforce investment~~  
9       ~~activities assigned to the official under this act or the~~  
10       ~~Workforce Innovation and Opportunity Act.~~

11 Section 503. Conflicts of interest.

12       A member of the local workforce [investment] development  
13 board may not do any of the following:

14           (1) Vote on a matter under consideration by the local  
15 workforce [investment] development board:

- 16               (i) regarding the provision of services by the
- 17               member or by an entity that the member represents; or
- 18               (ii) which would provide direct financial benefit to
- 19               the member or the immediate family of the member.

20           (2) Engage in any other activity determined by the  
21 Governor to constitute a conflict of interest as specified in  
22 the [unified system] State plan.

23 Section 504. Plan, functions and responsibilities.

24       (a) [Unified workforce investment] Local plan.--A local  
25 workforce [investment] development board, in partnership with  
26 the chief elected official [of the county or counties served by  
27 the local workforce investment board], shall submit to the  
28 Governor for approval a [unified workforce investment] local  
29 plan. The local plan shall support the strategy described in the  
30 State plan in accordance with section 102(b)(1)(E) of the



1 Workforce Innovation and Opportunity Act, and otherwise be  
2 consistent with the State plan. If the local area is part of a  
3 planning region, the local workforce development board shall  
4 comply with this section in the preparation and submission of a  
5 regional plan. At the end of the first two-year period of the  
6 four-year local plan, each local workforce development board  
7 shall review the local plan and, in partnership with the chief  
8 elected official, prepare and submit modifications to the local  
9 plan to reflect changes in labor market and economic conditions  
10 or in other factors affecting the implementation of the local  
11 plan. The following apply:

12       (1) The [unified workforce investment] local plan shall  
13 be developed through a process which includes the opportunity  
14 for participation by current and potential customers [and <--  
15 service providers~~[and which]~~ AND WHICH], PROGRAM PARTNERS, <--  
16 SERVICE PROVIDERS AND OTHER LOCAL AREA STAKEHOLDERS prior to <--  
17 the date on which the board submits a local plan to the  
18 Governor for approval, the local workforce development board  
19 shall:

20           (i) make available copies of a proposed local plan  
21 to the public through electronic and other means, which  
22 may include public hearings and local news media; and

23           (ii) allow members of the public, including  
24 representatives of business, representatives of labor  
25 organizations and representatives of education to submit  
26 to the local workforce development board comments on the  
27 proposed local plan, not later than the end of the 30-day  
28 period beginning on the date on which the proposed local  
29 plan is made available.

30           (1.1) The local workforce development board shall

1 include with the local plan submitted to the Governor any  
2 comments received under paragraph (1)(ii) that represent  
3 public disagreement with the plan.

4 (2) The local plan shall contain, at a minimum, the  
5 following:

6 (i) Information required under section 108(b) of the  
7 Workforce Innovation and Opportunity Act.

8 [(1)] (ii) A description of the local workforce  
9 [investment] development area's strategic economic and  
10 workforce vision and [of] how the vision will be <--  
11 attained.

12 [(2)] (iii) A description of how the local plan  
13 supports the Commonwealth's overall mission and goals.

14 [(3) An analysis of the local workforce investment  
15 area market, including projected growth industries and  
16 declining industries.]

17 [(4)] (iv) A description of the respective roles of  
18 the local elected officials. [and the local workforce  
19 investment board.]

20 (5) A description of programs for eligible youth.

21 (6) A description of the local workforce investment  
22 area's one-stop delivery system.

23 (7) A description of the services to be provided to all  
24 customers.

25 (8) A description of how, in serving the local workforce  
26 investment area, coordination of workforce development  
27 services and investment activities will occur with  
28 postsecondary institutions; area vocational-technical schools  
29 and career technology centers; secondary schools, including  
30 charter schools at these grade levels; community colleges;

1 and technical colleges.

2 (9) If appropriate, a description of a regional  
3 strategic component to the local plan.

4 (10) If available, an analysis of regional market  
5 trends.]

6 (b) Functions and responsibilities.--A local workforce  
7 [investment board, in order to develop and implement a unified  
8 workforce investment plan for the investment and utilization of  
9 private and public resources to meet the current and future  
10 workforce investment needs of its region in furtherance of  
11 section 102,] development board has the following functions and  
12 responsibilities:

13 [(1) To organize and elect a chairperson.

14 (2) To assess the economic and workforce needs of the  
15 local workforce investment area and to develop a unified plan  
16 which builds on available services and resources to  
17 effectively meet the workforce and economic needs of the  
18 local workforce investment area.]

19 (1) Functions required under section 107(d) of the  
20 Workforce Innovation and Opportunity Act.

21 (2) In partnership with the chief elected official for  
22 the local workforce development area, to develop and submit a  
23 local plan to the Governor that meets the requirements in  
24 this section.

25 (3) To implement mechanisms to secure appropriate input  
26 in the development of policies, performance standards or  
27 investment strategies.

28 (4) To [assist in the development of and collaboration  
29 within the one-stop delivery system.

30 (5) To develop, adopt and assure adherence to local

1 performance standards, quality assurance standards and  
2 applied operating principles which are consistent with  
3 criteria throughout the one-stop delivery system.

4 (6) coordinate with the Governor, the board,  
5 Commonwealth agencies administering the core program and  
6 chief elected officials in establishing and operating a  
7 fiscal management accountability information system under  
8 section 305.1.

9 (5) To establish cooperative and collaborative  
10 relationships with other local workforce [investment]  
11 development boards and, if appropriate, with the [unified]  
12 workforce development system governing bodies of other  
13 states.

14 [(7) To authorize use of local workforce investment  
15 funds, including individual training accounts, where  
16 applicable, for eligible customers, for any of the following  
17 services:

18 (i) Core services shall be available to individuals  
19 who are adults or dislocated workers through the one-stop  
20 delivery system and shall, at a minimum, include all of  
21 the following:

22 (A) Determinations of whether the individuals  
23 are eligible to receive assistance.

24 (B) Outreach; intake, which may include worker  
25 profiling; and orientation to the information and  
26 other services available through the one-stop  
27 delivery system.

28 (C) Initial assessment of skill levels,  
29 aptitudes, abilities and supportive service needs.

30 (D) Job search and placement assistance and,

1 where appropriate, career counseling.

2 (E) Provision of employment statistics  
3 information, including the provision of accurate  
4 information relating to national, regional and local  
5 labor market areas, such as:

6 (I) job vacancy listings in such labor  
7 market areas;

8 (II) information on job skills necessary to  
9 obtain the jobs described in subclause (I); and

10 (III) information relating to local  
11 occupations in demand and the earnings and skill  
12 requirements for such occupations.

13 (F) Provision of performance information and  
14 program cost information on eligible providers of  
15 training services, provided by program, eligible  
16 providers of youth activities, providers of adult  
17 education, providers of postsecondary vocational  
18 education activities and vocational education  
19 activities available to school dropouts under the  
20 Carl D. Perkins Vocational and Applied Technology  
21 Education Act (Public Law 88-210, 20 U.S.C. § 2301 et  
22 seq.) and providers of vocational rehabilitation  
23 program activities described in the Rehabilitation  
24 Act of 1973 (Public Law 93-112, 29 U.S.C. § 701 et  
25 seq.).

26 (G) Provision of information regarding how the  
27 local workforce investment area is performing on the  
28 local performance measures and any additional  
29 performance information with respect to the one-stop  
30 delivery system in the local workforce investment

1 area.

2 (H) Provision of accurate information relating  
3 to the availability of services in community  
4 colleges, area vocational-technical schools and  
5 career technology centers and technical colleges,  
6 workforce development services and the availability  
7 of work support services, including child care and  
8 transportation, in the local workforce investment  
9 area and referral to such services as appropriate.

10 (I) Provision of transitional support, including  
11 information regarding filing claims for unemployment  
12 compensation.

13 (J) Assistance in establishing eligibility for  
14 welfare-to-work activities under section 403(a)(5) of  
15 the Social Security Act (49 Stat. 620, 42 U.S.C. §  
16 603(a)(5)) available in the local workforce  
17 investment area and programs of financial aid  
18 assistance for training and education programs that  
19 are not funded under this act and are available in  
20 the local workforce investment area.

21 (K) Follow-up services, including counseling  
22 regarding the workplace.

23 (ii) Intensive services:

24 (A) Intensive services shall be provided to  
25 adults and dislocated workers who:

26 (I) are unemployed and are unable to obtain  
27 employment through core services;

28 (II) have been determined by the one-stop  
29 delivery system operator to be in need of more  
30 intensive services in order to obtain employment;

1 or  
2 (III) are employed but are determined by a  
3 one-stop delivery system operator to be in need  
4 of intensive services in order to obtain or  
5 retain employment that allows for self-  
6 sufficiency.

7 (B) Intensive services shall be provided through  
8 the one-stop delivery system directly through one-  
9 stop delivery system operators or through contracts  
10 with service providers, which may include contracts  
11 with public, private for-profit and private nonprofit  
12 service providers, approved by the local workforce  
13 investment board.

14 (C) Intensive services may include the  
15 following:

16 (I) Comprehensive and specialized  
17 assessments of the skill levels and service needs  
18 of adults and dislocated workers, which may  
19 include diagnostic testing and use of other  
20 assessment tools and in-depth interviewing and  
21 evaluation to identify employment barriers and  
22 appropriate employment goals.

23 (II) Development of an individual employment  
24 plan to identify the employment goals,  
25 appropriate achievement objectives and  
26 appropriate combination of services for the  
27 participant to achieve the employment goals.

28 (III) Group counseling.

29 (IV) Individual counseling and career  
30 planning.

1 (V) Case management.

2 (VI) Short-term prevocational services,  
3 including development of learning skills,  
4 communication skills, interviewing skills,  
5 punctuality, personal maintenance skills and  
6 professional conduct to prepare individuals for  
7 employment or training.

8 (iii) Training services:

9 (A) Training services shall be provided to  
10 adults and dislocated workers who:

11 (I) have met the eligibility requirements  
12 for intensive services and who are unable to  
13 obtain or retain employment through such  
14 services;

15 (II) after an interview, evaluation or  
16 assessment and case management, have been  
17 determined by a one-stop delivery system operator  
18 or one-stop delivery system partner to be in need  
19 of training services and to have the skills and  
20 qualifications to successfully participate in the  
21 selected program of training services; and

22 (III) select programs of training services  
23 which are directly linked to the employment  
24 opportunities in the local workforce investment  
25 area involved or in another area in which the  
26 adults or dislocated workers receiving such  
27 services are willing to relocate.

28 (B) Training services shall be limited to  
29 individuals who are unable to obtain other grant  
30 assistance for such services, including Federal Pell



1 Grants established under Title IV of the Higher  
2 Education Act of 1965 (Public Law 89-329, 20 U.S.C. §  
3 1070 et seq.), or require assistance beyond the  
4 assistance made available under other grant  
5 assistance programs, including Federal Pell Grants.

6 (C) Training services may include:

7 (I) Occupational skills training, including  
8 training for nontraditional employment.

9 (II) On-the-job training.

10 (III) Programs which combine workplace  
11 training with related instruction, including  
12 cooperative education programs.

13 (IV) Training programs operated by the  
14 private sector.

15 (V) Skill upgrading and retraining.

16 (VI) Entrepreneurial training.

17 (VII) Job readiness training.

18 (VIII) Adult education and literacy  
19 activities provided in combination with services  
20 described in any of subclauses (I) through (VII).

21 (IX) Customized training conducted with a  
22 commitment by an employer or group of employers  
23 to employ an individual upon successful  
24 completion of the training.

25 (8)] (6) To compile an annual report [to be submitted]  
26 and to submit the report to the [board] Governor by a  
27 deadline [to be] determined by the [board] Governor. This  
28 report shall include, at a minimum:

29 (i) a list of the membership of the local workforce  
30 [investment] development board, including the name,

1 affiliation, address, telephone number, telefax number  
2 and electronic mail address;

3 (ii) the negotiated local level of performance;

4 (iii) the level of performance achieved, including  
5 an analysis of the strengths and weaknesses;

6 (iv) the programs local workforce development area  
7 residents participated in; and

8 (v) a list of the local eligible service providers.

9 (c) Regional planning.--The following apply:

10 (1) The local workforce development boards and chief  
11 elected officials in each planning region as certified by the  
12 Governor under section 501(a)(2) shall engage in regional  
13 planning as specified in section 106(c)(1) of the Workforce  
14 Innovation and Opportunity Act.

15 (2) The Governor, after consultation with local  
16 workforce development boards and chief elected officials for  
17 the planning regions, shall require local workforce  
18 development boards and chief elected officials within a  
19 planning region to prepare, submit and obtain approval of a  
20 single regional plan as specified in section 106(c)(2) of the  
21 Workforce Innovation and Opportunity Act.

22 (3) To the extent specified in section 106(c)(3)(B), the  
23 term "local plan" includes a reference to the portion of the  
24 Workforce Innovation and Opportunity Act of a regional plan  
25 developed with respect to the corresponding local workforce  
26 development area and any regionwide provision of that plan  
27 that impacts or relates to the local area.

28 Section 505. Local performance measures.

29 (a) General rule.--The local [performance measures for each  
30 local workforce investment area shall include, at a minimum, the

1 following:

2 (1) Entry into unsubsidized employment.

3 (2) Retention in unsubsidized employment six months  
4 after entry into the employment.

5 (3) Earnings received in unsubsidized employment six  
6 months after entry into the employment.

7 (4) Attainment of a recognized credential relating to  
8 achievement of educational skills, including attainment of a  
9 secondary school diploma or its recognized equivalent, or  
10 occupational skills by participants who enter unsubsidized  
11 employment or by participants who are eligible youths between  
12 the ages 19 and 21 and who enter postsecondary education,  
13 advanced training or unsubsidized employment.

14 (b) Customer satisfaction.--As an indicator of performance,  
15 customer satisfaction shall also be considered. The customer  
16 satisfaction indicator of performance shall consist of customer  
17 satisfaction of employers and participants in services received  
18 from workforce investment activities. Customer satisfaction may  
19 be measured through surveys conducted after the conclusion of  
20 participation in the workforce investment activities.] workforce  
21 development board, the chief elected ~~official~~ OFFICIALS and the <--  
22 Governor shall negotiate and reach agreement on local levels of  
23 performance based on the State-adjusted levels of performance  
24 for primary indicators established under section 116(b) (3) (A) of  
25 the Workforce Innovation and Opportunity Act.

26 (c) School-to-Work Opportunities Act of 1994.--No funds made  
27 available under the [Workforce Investment Act of 1998 (Public  
28 Law 105-220, 112 Stat. 936)] Workforce Innovation and  
29 Opportunity Act shall be used to develop or continue programs or  
30 activities created under the School-to-Work Opportunities Act of

1 1994 (Public Law 103-239, 108 Stat. 568).

2 Section 701-A. Purpose.

3 The purpose of this chapter is to expand the coordination of  
4 the resources within the unified system and to enhance the  
5 leadership of the ~~workforce~~ development [investment] system, <--  
6 particularly with reference to the resources under the control  
7 and direction of the participating agencies. This grant program  
8 shall be agile, flexible and responsive to the immediate and  
9 long-term training needs of job seekers, private businesses and  
10 the workforce regions of the Commonwealth. The coordination and  
11 leveraging of resources within the workforce [investment]  
12 development system is crucial to the effective delivery of  
13 services to the employers and residents of this Commonwealth.

14 Section 4 6. The definitions of "critical job training" and <--  
15 "eligible applicant" in section 702-A of the act are amended to  
16 read:

17 Section 702-A. Definitions.

18 The following words and phrases when used in this chapter  
19 shall have the meanings given to them in this section unless the  
20 context clearly indicates otherwise:

21 "Critical job training." Training for dislocated workers  
22 [and], underemployed workers AND OTHER CUSTOMERS for occupations <--  
23 with immediate skill needs or for high-demand jobs or jobs with  
24 a shortage of skilled workers, as identified by the  
25 [Pennsylvania Workforce Investment Board] board and the  
26 participating agencies.

27 \* \* \*

28 "Eligible applicant." Providers of workforce services and  
29 activities, including, but not limited to, public agencies,  
30 nonprofit organizations and private providers; a local education

1 agency; an industrial resource center; an economic development  
2 organization certified by the Department of Community and  
3 Economic Development; a greenhouse; a private company; a labor  
4 organization[; a local workforce {investment} ~~development~~ <--  
5 board]. <--

6 \* \* \*

7 Section ~~5~~ 7. Sections 703-A, 704-A(a) (3), (b), (d) and (e), <--  
8 902(a) (2), 1302(a) introductory paragraph, 1304(1) ~~and~~, 1307(c) <--  
9 (5) introductory paragraph AND 4901 of the act are amended to <--  
10 read:

11 Section 703-A. Program operation.

12 The board shall oversee the operation of this program, with  
13 appropriate agency staffing support as determined by the  
14 participating agencies and the Governor. The board shall work  
15 with the participating agencies and local workforce [~~investment~~]  
16 ~~development~~ boards to identify sources of Federal and State  
17 funds to be used for these grants. The board shall recommend  
18 procedures for the award of grants to eligible applicants for  
19 projects that are consistent with the criteria set forth in  
20 section 704-A.

21 Section 704-A. Grants.

22 (a) Single application.--There shall be a single multiagency  
23 application for the grants awarded under this chapter. An  
24 application must demonstrate:

25 \* \* \*

26 (3) How the training will support [~~growth industries~~]  
27 ~~existing and in-demand industry sectors and occupations~~  
28 within this Commonwealth which are identified in the  
29 strategic plan of the local workforce [~~investment~~]  
30 ~~development~~ board or by industry clusters identified by the

1 participating agencies and the [Pennsylvania Workforce  
2 Investment Board] board.

3 \* \* \*

4 (b) Applications and guidelines.--The participating  
5 agencies, in consultation with the board and local workforce  
6 [investment] development boards, shall develop grant  
7 applications, establish guidelines, develop forms and institute  
8 such procedures, including the utilization of participating  
9 agency resources, as may be necessary to implement the  
10 provisions of this chapter.

11 \* \* \*

12 (d) Limitations.--A local workforce [investment] development  
13 board, a certified economic development organization and a  
14 greenhouse may not serve as a training provider for these  
15 grants.

16 (e) Board recommendations.--Beginning October 1, 2003, and  
17 each year thereafter, the board may recommend changes in the  
18 operation and funding of the program to the Governor and the  
19 General Assembly. The recommendations shall be made after the  
20 board consults with local workforce [investment] development  
21 boards, secondary schools and postsecondary institutions.  
22 Section 902. Innovative programs.

23 (a) Program content.--An innovative program shall address  
24 one of the following:

25 \* \* \*

26 (2) Assistance to local workforce [investment]  
27 development areas to establish or expand a comprehensive  
28 delivery system of workforce development services,  
29 particularly with degree-granting programs.

30 \* \* \*

1 Section 1302. Industry clusters.

2 (a) Identification of industry clusters.--The department  
3 shall work with businesses, industry associations, career and  
4 technical associations and organizations, participating  
5 agencies, State and local workforce [investment] development  
6 boards and economic development entities to identify industry  
7 clusters based on the following:

8 \* \* \*

9 Section 1304. Grant program operation.

10 In order to receive grant funding under this section, an  
11 industry partnership must, in its grant application, do all of  
12 the following:

13 (1) Show evidence of involvement of the local workforce  
14 [investment] development board.

15 \* \* \*

16 Section 1307. Interdepartmental cooperation.

17 \* \* \*

18 (c) Agencies.--The following agencies shall work with the  
19 department as set forth below:

20 \* \* \*

21 (5) The Department of [Public Welfare] Human Services  
22 shall:

23 \* \* \*

24 SECTION 4901. CONSTRUCTION.

<--

25 (1) THIS ACT, BEING NECESSARY FOR THE WELFARE OF THIS  
26 COMMONWEALTH AND ITS CITIZENS, SHALL BE LIBERALLY CONSTRUED  
27 TO EFFECT ITS PURPOSES.

28 (2) NOTHING IN THIS ACT SHALL BE CONSTRUED TO CONFLICT  
29 WITH FEDERAL LAW.

30 Section ~~6~~ 8. This act shall take effect in 60 days.

<--